



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

SUMMARY MINUTES – MARCH 1-2, 2007

TWO DAY FULL BOARD MEETING MINUTES¹

DAY ONE – MARCH 1, 2007

CLOSED SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Sean Harrigan, President
Anne Sheehan, Vice President
Maeley Tom, Member
Richard Costigan, Member

2. EMPLOYEE PERSONNEL MATTER

Continued deliberation to consider the appointment and employment of Executive Officer candidates. [Government Code section 11126(a)(1); Government Code section 11125.3(a)(2).]

A D J O U R N M E N T

¹ The Minutes for the Board Meeting can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

DAY TWO – MARCH 2, 2007

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Sean Harrigan, President
Anne Sheehan, Vice President
Patricia Clarey, Member
Richard Costigan, Member

2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura

- A.** The Executive Officer welcomed Mr. Costigan, the Board's newest member, to the Board.
- B.** The Executive Officer and Karen Coffee, Chief, Merit Employment and Technical Resources Division, discussed the new proposed Governmental Analyst classification with the Board. The new classification would allow college graduates to apply over the internet for this entry level position.

**3. REPORT OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION (DPA)
– DPA Representatives**

Division Chief Daryll Tsujihara welcomed Mr. Costigan to the Board on behalf of DPA and also gave a brief report on recent activities of the Department of Personnel Administration.

4. REPORT ON THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)

A report was distributed on recent activities of the Public Employees' Retirement System.

5. REPORT OF THE CHIEF COUNSEL – Elise Rose

Litigation:

- Chapman v. California State University (CSU) – CSU terminated the appellant for unprofessional conduct based on a failure to teach classes assigned to her. The State Personnel Board had sustained the termination. The Third District Court of Appeal issued its third decision in this case, finding this time, that the appellant was barred from further litigation of issues already decided.

- California Department of Corrections and Rehabilitation (CDCR) v. Snell – Decision out of 5th Appellate District, of Court of Appeal on issue of whether a department can proceed on a dishonesty charge based upon an investigation of misconduct, the prosecution of which is barred by the statute of limitations. The State Personnel Board found the dishonesty charges barred. The trial court disagreed and the court of appeal agreed with the trial court that the dishonesty charges could stand alone. The Decision is contrary to a decision of 3rd Appellate District, Lomeli v. CDCR.
- California Department of Corrections and Rehabilitation (CDCR) v. Brown and Berry – An excessive force case. The Board adopted the decision of the administrative law judge finding no excessive force. The trial court disagreed, finding videotape did show excessive force. The case is now on appeal to Third Appellate District, Court of Appeal.
- State Board Of Chiropractic v. Superior Court – The Superior Court dismissed a whistleblower complaint where the State Personnel Board (SPB) had found against the whistleblower and the whistleblower did not exhaust remedies before SPB.

Court Cases of Interest:

- Speilbauer v. County of Santa Clara – Employer questioning peace officer employees cannot compel them to answer if they take the 5th amendment which protects against self incrimination, unless the state first grants or offers immunity.

Other:

- Chief Counsel attended State and Consumer Services Agency Chief Counsels meeting February 28, 2007. The Fair Employment and Housing Commission passed out modifications to regulations implementing sexual harassment training bill
- Office of Administrative Law is also in process of drafting regulations to clarify AB 1302 which took effect on 1/1/07 dealing with emergency regulations. The proposed regulations clarify and provide guidance with respect to the new law.
- The State Personnel Board will begin asking departments to indicate on Notice of Adverse Action whether the employee is a peace officer so Board will know whether name and personnel records and hearing are to be kept private.
- The State Personnel Board's Council of Counsels meeting is scheduled for March 27, 2007.

6. NEW BUSINESS

NONE PRESENTED

7. REPORT ON LEGISLATION – Sherry Evans

Ms. Evans gave her report during closed session but did state, in regards to the Public Records Act, that she receives a high volume of calls by non-peace officers who also preferred to be listed only by case number.

8. ORAL ARGUMENT

In the matter of **CASE NO. 05-2211A**. Appeal from dismissal. Senior Tax Compliance Representative. Employment Development Department.

Persons Participating:

Glenn C. Jones, Senior Counsel, Employment Development Department, representing department.

Kay Antel-Berenson, Senior Labor Relations Representative, CSEA Local 1000, representing appellant.

ACTION: SUBMITTED

9. ORAL ARGUMENT

In the matter of **CASE NO. 06-0392A**. Appeal from five percent reduction in salary for 24 months. Correctional Officer. Department of Corrections and Rehabilitation.

Persons Participating:

Steve Jennings, Staff Counsel, California Department of Corrections and Rehabilitation, representing department.

Annette DeAndreis, Staff Counsel, California Correctional Peace Officer's Association, representing appellant.

ACTION: The Board adopted the ALJ's proposed decision sustaining the five percent reduction in salary for 24 months.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

10. ORAL ARGUMENT

In the matter of **PERSONAL SERVICES CONTRACT #06-05**. Appeal of the California Highway Patrol from the Executive Officer's September 28, 2006 Disapproval of a Contract for Custodial Services between the California Highway Patrol and Moran Janitorial Services.

Persons Participating:

Barrett McInerney, Labor Relations Counsel, Department of Personnel Administration (DPA) representing California Highway Patrol (CHP).
Anne Giese, Attorney, representing Service Employees International Union, Local 1000.

ACTION: SUBMITTED

11. HUMAN RESOURCES MODERNIZATION PROJECT

The State Personnel Board staff presented the concepts discussed in the draft State Human Resources Modernization Plan created by the SPB/DPA task force. This included initiatives to address the challenges currently facing the state in: workforce planning, recruitment, selection, compensation, retention, employee assessment and development.

- **Mary Fernandez, Chief, Administrative Services Division**
- **Carol Ong, Assistant Chief, Appeals Division**

CLOSED SESSION OF THE STATE PERSONNEL BOARD

12. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

13. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]
(See Action Taken on Pages 13–18)

14. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California
United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.
Case No. C01-1351 TEH

15. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

SB 26 (SIMITIAN)

This bill would require that demographic data collection by race be structured in a manner that allows the surveyed individual to select more than one race. A single category labeled “mult-racial” would be prohibited.

POSITION: NEUTRAL

AB 174 (PRICE)

This bill would expand the remedies available to individuals who file discrimination complaints with the State Personnel Board by authorizing the State Personnel Board to award reasonable attorney’s fees and costs.

POSITION: NO POSITION

16. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

NO ACTION

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

17. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF MARCH 21, 2007, IN SACRAMENTO, CALIFORNIA

NONE

BOARD ACTIONS:

18. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF FEBRUARY 5-6, 2007

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

19. EVIDENTIARY CASES

ACTION: See Case Listings on Pages 13–21

20. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION - (See Minutes on Pages 28–29)

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

21. NON-EVIDENTIARY CASES

ACTION: See Case Listings on Pages 21–23

22. NON-HEARING CALENDAR

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

On March 2, 2007, the following proposals were presented to the Board by Karen Coffee, Chief, Merit Employment and Technical Resources Division, California State Personnel Board.

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

CHIEF OPERATING INVESTMENT OFFICER, PUBLIC EMPLOYEES' RETIREMENT SYSTEM

The California Public Employees' Retirement System (CalPERS) requests establishment of a new classification titled Chief Operating Investment Officer, CalPERS to be used in the Investment Office, with a six month probationary period.

**LICENSED VOCATIONAL NURSE (SAFETY), CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR)**

Establishment of the proposed new classification of Licensed Vocational Nurse, (Safety), California Department of Corrections and Rehabilitation (CDCR); establishment of a 12-month probationary period for the Licensed Vocational Nurse (Safety), CDCR; and reallocation of incumbents employed at CDCR currently in the existing classification titled Licensed Vocational Nurse (Safety), class code 8274, to the proposed new classification titled Licensed Vocational Nurse, (Safety), CDCR.

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

23. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

24. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

- A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

DEPUTY DIRECTOR, REAL ESTATE SERVICES DIVISION

The Department of General Services proposes to allocate the above position to the CEA category. The Deputy Director will be responsible for developing and implementing statewide policy and procedures to provide real estate services to its customer departments and agencies and for influencing and setting policy based on the Administration's goals and objectives and dictates of Government Code.

**MANAGER, REGIONAL RECRUITMENT AND RETENTION
WORKFORCE NORTHERN REGION**

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA Category. Under the Plata Receivership, the Manager will be formulating policies at the Federal Receiver's direction and making recommendations to change policies that impact recruitment and retention, and selection and hiring at institutions in the Northern Region.

**MANAGER, REGIONAL RECRUITMENT AND RETENTION
WORKFORCE SOUTHERN REGION**

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA Category. Under the Plata Receivership, the Manager will be formulating policies at the Federal Receiver's direction and making recommendations to change policies that impact recruitment and retention, and selection and hiring at institutions in the Southern Region.

PROJECT MANAGER, PENSION SYSTEMS RESUMPTION PROJECT

The California Public Employees' Retirement System (CalPERS) requests approval to allocate the above position to the CEA category for the duration of the project which is anticipated to be completed by June of 2009. The Project Manager over CalPERS COMET – Pension Systems Resumption (PSR) was approved by SPB to the CEA category for a limited term of two years effective February 14, 2005. The Project Manager has a major role in the formulation of departmental policies involving retirement, health, and technology operational practices, programs and services.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

CHIEF, ADMINISTRATIVE LAW JUDGE

The State Personnel Board's request to allocate the above position to the CEA Category has been approved effective February 6, 2007.

CHIEF, OFFICE OF CIVIL RIGHTS AND RETURN TO WORK

The Department of Industrial Relations' request to allocate the above position to the CEA category has been approved effective February 16, 2007.

DEPUTY DIRECTOR, SAFETY AND RELIABILITY

The Public Utilities Commission's request to allocate the above position to the CEA category has been disapproved effective February 16, 2007.

CHIEF, INTERNAL AUDITS

The California State Lottery's request to allocate the above position to the CEA category has been disapproved effective February 16, 2007.

CHIEF, FIELD TECHNICIAN SERVICES DIVISION

The Department of Parks and Recreation's request to allocate the above position to the CEA category has been approved effective February 16, 2007.

CHIEF, PROVIDER ENROLLMENT DIVISION

The Department of Health Service's request to allocate the above position to the CEA category has been approved effective February 16, 2007.

ASSOCIATE DIRECTOR, ACCOUNTING SERVICES DIVISION OF SUPPORT SERVICES

The California Department of Corrections and Rehabilitation's request to allocate the above position to the CEA category has been approved effective February 16, 2007.

DEPUTY DIRECTOR, EXTERNAL AFFAIRS

The Board of Equalization's request to allocate the above position to the CEA category has been approved effective February 16, 2007.

ACTION: NOTED

25. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

26. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

27. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE

28. RESOLUTION REGARDING REQUEST OF CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR) RECEIVER TO USE 3-RANK LISTS FOR CDCR HEALTHCARE POSITIONS

ACTION: ADOPTED

VOTE: Sheehan, Clarey, Costigan – Aye
Harrigan – No

29. BOARD ACTIONS ON SUBMITTED ITEMS

ACTION: See Minutes on Pages 24–27

A D J O U R N M E N T

**WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 19 – 21
AS NOTED.**

19. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

On March 2, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

(1) CASE NO. 06-1912

Appeal from dismissal

Classification: Senior Youth Correctional Counselor

Department: Department of Corrections and Rehabilitation

Proposed decision taken under submission February 20, 2007.

NO ACTION

(2) CASE NO. 05-0053A

Appeal from dismissal

Classification: Park Maintenance Assistant

Department: Department of Parks and Recreation

Proposed decision rejected October 10, 2006.

Oral argument heard February 6, 2007.

Case ready for decision by FULL Board.

NO ACTION

(3) CASE NO. 06-1433

Appeal from official reprimand

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

NO ACTION

(4) CASE NO. 05-1567A

Appeal from dismissal

Classification: Housing Finance Specialist (General)

Department: California Housing Finance Agency

Proposed decision rejected July 11, 2006.

Oral argument heard December 5, 2006.

Case ready for decision by FULL Board.

NO ACTION

(5) CASE NO. 06-1310

Appeal from 14 working days suspension

Classification: Regional Administrator

Department: Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

NO ACTION

(6) PSC NO. 06-02

Appeal from Executive Officer's June 28, 2006 approval of the Department of Corrections and Rehabilitation Personal Services Contracts for Psychological Services.

Department: Department of Corrections and Rehabilitation

Employee Organization: AFSCME, Local 2620, AFL-CIO

Oral argument heard January 9, 2007.

Case ready for decision by FULL Board.

NO ACTION

(7) PSC NO. 06-04

Appeal from Executive Officer's August 15, 2006 disapproval of a Personal Services Contract for Hearing Reporter Transcription Services.

Department: California Air Resources Board (ARB)

Oral argument heard January 9, 2007.

Case ready for decision by FULL Board.

ACTION: The Board issued a decision sustaining the Executive Officer's decision which found that the ARB failed to satisfactorily demonstrate either that it made reasonable, good faith efforts to recruit civil service employees to perform the Contract duties prior to entering into the Contract, or that existing civil service classifications are inadequate to meet the ARB's needs.

B. CASES PENDING

ORAL ARGUMENTS

These cases were on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

On March 2, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

(1) CASE NO. 05-2211A

Appeal from dismissal

Classification: Senior Tax Compliance Representative

Department: Employment Development Department

NO ACTION

(2) CASE NO. 06-0392A

Appeal from five percent reduction in salary for 24 months

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ's proposed decision sustaining the five percent reduction in salary for 24 months.

C. CHIEF COUNSEL RESOLUTIONS

(1) CASE NO. 05-3741

Appeal from dismissal

Classification: Medical Technical Assistant, CF

Department: Department of Corrections and Rehabilitation

Request for Order to Show Cause against Department of Corrections and Rehabilitation

ACTION: SUBMITTED

(2) CASE NO. 04-2682

Appeal from demotion

Classification: Assistant Chief Public Utilities Counsel

Department: Public Utilities Commission

Request for Order to Show Cause

ACTION: The Board issued a resolution denying the appellant's Order to Show Cause request on the ground that the Department has complied with the provisions of the Board's decision.

COURT REMANDS

NONE

STIPULATIONS

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These were ALJ proposed decisions submitted to the Board for the first time.

On March 2, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

(1) CASE NO. 06-2268

Appeal from limited-term separation

Classification: Staff Information Systems Analyst

Department: State Controller's Officer

ACTION: The Board adopted the ALJ's Proposed Decision sustaining the separation.

(2) CASE NO. 06-3472

Appeal from ten percent reduction in salary for three months

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ's Proposed Decision sustaining the reduction in salary.

(3) CASE NO. 05-3477

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.

(4) CASE NO. 06-3419

Appeal from demotion

Classification: Associate Governmental Program Analyst

Department: Department of Social Services

ACTION: The Board adopted the ALJ's Proposed Decision dismissing the appeal.

- (5) **CASE NO. 06-3023**
Appeal from ten percent reduction in salary for three months
Classification: Psychiatric Technician
Department: Department of Corrections and Rehabilitation
ACTION: The Board rejected the ALJ's Proposed Decision sustaining the reduction in salary.
- (6) **CASE NO. 06-2697**
Appeal from rejection during probation
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision affirming the rejection and denying the appeal.
- (7) **CASE NO. 06-2622**
Appeal from non-punitive termination
Classification: Clinical Social Worker
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the non-punitive termination.
- (8) **CASE NO. 07-0008**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision dismissing the appeal.
- (9) **CASE NO. 05-0819E**
Appeal from discrimination complaint
Classification: Health Evaluator III
Department: Department of Health Services
ACTION: The Board adopted the ALJ's Proposed Decision dismissing the appeal.
- (10) **CASE NO. 06-2055**
Appeal from dismissal
Classification: Parole Agent II
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

(11) CASE NO. 06-1743R

Appeal from dismissal

Classification: Clinical Social Worker (Health/Correctional Facility)-Safety

Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

(1) CASE NO. 05-0012EP

Appeal from reasonable accommodation/discrimination complaint

Classification: Office Assistant (General)

Department: Department of Corrections and Rehabilitation.

ACTION: Petition for rehearing denied.

(2) CASE NO. 05-1080P

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

ACTION: Petition for rehearing denied.

(3) CASE NO. 05-1010P

CASE NO. 05-1081P

CASE NO. 05-1258P

Appeals from dismissal

Classification: Correctional Captain, Correctional Sergeant, Correctional Officer

Department: Department of Corrections and Rehabilitation

ACTION: Petition for rehearing denied.

WHISTLEBLOWER NOTICE OF FINDINGS

NONE

F. PENDING BOARD REVIEW

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

On March 2, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

(1) CASE NO. 05-1007EA

Appeal from denial of discrimination complaint

Classification: Outside contractor

Department: Department of Transportation

Proposed decision rejected December 19, 2006.

Pending oral argument April 3-4, 2007, Sacramento.

NO ACTION

(2) CASE NO. 06-0760A

Appeal from rejection during probation

Classification: Parole Agent I (Adult Parole)

Department: Department of Corrections and Rehabilitation

Proposed decision rejected November 14, 2006.

Oral argument originally set February 6-7, 2007, Los Angeles.

Continued to May 1-2, 2007, Los Angeles.

NO ACTION

(3) CASE NO. 06-0235A

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision rejected January 9, 2007.

Pending transcript.

NO ACTION

- (4) **CASE NO. 05-2211A**
Appeal from dismissal
Classification: Senior Tax Compliance Representative
Department: Employment Development Department
- Proposed decision rejected September 20, 2006.
Oral argument heard March 2, 2007, Sacramento.
- ACTION: SUBMITTED**
- (5) **CASE NO. 05-2888PA**
Appeal from dismissal
Classification: Staff Services Analyst (General)
Department: Department of Consumer Affairs
- Petition for rehearing granted October 31, 2006.
Oral argument originally set March 2, 2007, Sacramento.
Oral argument continued.
- NO ACTION**
- (6) **CASE NO. 05-1285A**
Appeal from dismissal
Classification: Public Safety Dispatcher II
Department: Department of California Highway Patrol
- Proposed decision rejected January 9, 2007.
Pending transcript.
- NO ACTION**
- (7) **CASE NO. 05-1067A**
Appeal from dismissal
Classification: Investigator
Department: Department of Motor Vehicles
- Proposed decision rejected January 9, 2007.
Pending transcript.
- NO ACTION**
- (8) **CASE NO. 04-2919ERPA**
Appeal of discrimination and retaliation
Classification: Physician and Surgeon
Department: Department of Corrections and Rehabilitation
- Petition for rehearing granted September 20, 2006.
Oral argument originally set February 6-7, 2007, Los Angeles.
Continued to May 1-2, 2007, Los Angeles.
- NO ACTION**

(9) CASE NO. 05-0927BA

Appeal for back salary determination

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Proposed decision rejected December 5, 2006.

Pending oral argument April 3-4, 2007, Sacramento.

NO ACTION

(10) CASE NO. 05-4416PA

Appeal from 10 percent reduction in salary for 13 pay periods

Classification: Medical Technical Assistant (Correctional Facility)

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted November 14, 2006.

Pending oral argument April 3-4, 2007, Sacramento.

NO ACTION

(11) CASE NO. 06-0392A

Appeal of five percent reduction in salary for 24 months

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision rejected October 31, 2006.

Pending oral argument March 2, 2007, Sacramento.

ACTION: The Board adopted the ALJ's proposed decision sustaining the five percent reduction in salary for 24 months.

21. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

On March 2, 2007, the Board adopted, as indicated below, the following items as presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

- (1) **CASE NO. 05-3642**
Classification: CHP Cadet
Department: California Highway Patrol
Issue: Suitability; omitted information and a negative employment record.
ACTION: DENIED
- (2) **CASE NO. 05-4388**
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation
Issue: Suitability; failure to provide information in a timely fashion.
ACTION: DENIED
- (3) **CASE NO. 05-3680**
Classification: Public Safety Dispatcher II
Department: California Highway Patrol
Issue: Suitability; furnishing inaccurate information and negative law contacts.
ACTION: DENIED
- (4) **CASE NO. 05-4234**
Classification: Medical Technical Assistant
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; a felony conviction.
ACTION: DENIED
- (5) **CASE NO. 05-3761**
Classification: Hospital Police Officer
Department: California Department of Mental Health
Issue: Suitability; a negative employment record.
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

NONE

C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS

NONE

D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS

NONE

E. REQUEST TO FILE CHARGES CASES

NONE

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

NO ACTION

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

NO ACTION

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

NO ACTION

6. CASE NO. 05-0947A

Appeal from dismissal. Housing Finance Specialist (General). California Housing Finance Agency. (Oral argument held December 5, 2006.)

NO ACTION

7. CASE NO. 06-1814

Appeal from official letter of reprimand. Correctional Officer. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

NO ACTION

8. CASE NO. 06-1310

Appeal from 14 working days' suspension. Regional Administrator. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

NO ACTION

9. CASE NO. 05-1975

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

NO ACTION

10. CASE NO. 05-1977

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

NO ACTION

11. CASE NO. 05-1029

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

NO ACTION

12. CASE NO. 05-2290

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

NO ACTION

13. CASE NO. 05-1169

Correctional Officer. Department of Corrections and Rehabilitation. Suitability; whether appellant's name was properly withheld for one DUI conviction. (Presented to Board December 5, 2006.)

NO ACTION

14. CASE NO. 05-1681

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

NO ACTION

15. CASE NO. 05-1170

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

NO ACTION

***16. HEARING – PUBLIC HEARING ON PROPOSED COST SAVINGS
REGULATIONS UNDER GOVERNMENT CODE SECTION 19130, SUBDIVISION (A)**

(Hearing held January 9, 2007.)

NO ACTION

17. PSC NO. 06-02

Appeal of AFSCME, Local 2620, AFL-CIO, from the Executive Officer's June 28, 2006, Approval of the Department of Corrections and Rehabilitation Personal Services Contracts for Psychological Services. (Oral argument held January 9, 2007.)

NO ACTION

18. PSC NO. 06-04

Appeal of California Air Resources Board, from the Executive Officer's August 15, 2006, Disapproval of a Personal Services Contract for Hearing Reporter Transcription Services. (Oral argument held January 9, 2007.)

ACTION: The Board issued a decision sustaining the Executive Officer's decision which found that the ARB failed to satisfactorily demonstrate either that it made reasonable, good faith efforts to recruit civil service employees to perform the Contract duties prior to entering into the Contract, or that existing civil service classifications are inadequate to meet the ARB's needs.

19. CASE NO. 05-0053A

Appeal from dismissal. Park Maintenance Assistant. Department of Parks and Recreation. (Oral argument held February 6, 2007.)

NO ACTION

20. CASE NO. 06-1912

Appeal from dismissal. Senior Youth Correctional Counselor. Department of Corrections and Rehabilitation. (Presented to the Board February 20, 2007.)

NO ACTION

21. CASE NO. 05-2211A

Appeal from dismissal. Senior Tax Compliance Representative. Employment Development Department. (Oral argument held March 2, 2007.)

NO ACTION

22. CASE NO. 06-0392A

Appeal from five percent reduction in salary for 24 months. Correctional Officer. Department of Corrections and Rehabilitation. (Oral argument held March 2, 2007.)

ACTION: The Board adopted the ALJ's proposed decision sustaining the five percent reduction in salary for 24 months.

23. PSC NO. 06-05

Appeal of the California Highway Patrol from the Executive Officer's September 28, 2006 Disapproval of a Contract for Custodial Services between the California Highway Patrol and Moran Janitorial Services. (Oral argument held March 2, 2007.)

NO ACTION

24. CASE NO. 05-3741

Appeal from dismissal. Medical Technical Assistant, CF. Department of Corrections and Rehabilitation. Request for Order to Show Cause against Department of Corrections and Rehabilitation. (Presented to the Board March 2, 2007.)

NO ACTION

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

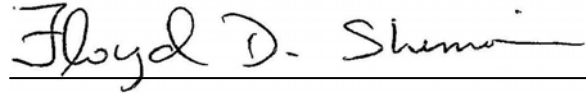
WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on March 1-2, 2007.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

A handwritten signature in cursive script, reading "Floyd D. Shimomura", written over a horizontal line.

Floyd Shimomura
Executive Officer
California State Personnel Board